

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**MARK SUMRALL**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 4:06CV115LS**

**LARRY GREER, as Facility Administrator and/  
or Warden of the East Mississippi Correctional  
Facility and GEO GROUP, INC.**

**DEFENDANTS**

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**ORDER**

This matter came before the court on the Plaintiff's Motion to Compel. The court has reviewed the Motion and noted the lack of a Certificate of Good Faith as an attachment to it. Fed. R. Civ. P. 37(a)(2)(A) requires a party moving to compel discovery to "include a certification that the movant has in good faith conferred or attempted to confer with the party not making the disclosure in an effort to secure the disclosure without court action." Unif. Local R. 37.1(A) also requires counsel to confer in good faith prior to the filing of a discovery motion and goes on to state, "A Good Faith Certificate (Official Form No. 5) shall be filed with all discovery motions, with a copy to the Magistrate Judge." Thus, the moving party's filing of a Good Faith Certificate, in proper form, signed by counsel, is a mandatory prerequisite to the court's consideration of a motion to compel, and this prerequisite cannot be satisfied by reference to or attachment of correspondence related to the discovery dispute.

Since the Motion was filed, however, it appears that the Defendants have answered the Interrogatories and Requests for Production. Therefore, the Plaintiff's Motion will be denied as moot. If, however, the Plaintiff wishes to request further relief on any discovery issues, the denial

of this Motion is without prejudice to his right to seek that relief, subject to the presentation of a Good Faith Certificate.

IT IS, THEREFORE, ORDERED that the Plaintiff's Motion to Compel is hereby **denied** as moot.

IT IS SO ORDERED, this the 12<sup>th</sup> day of September, 2006.

S/James C. Sumner

UNITED STATES MAGISTRATE JUDGE